



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Bill Shuster
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

Christopher P. Bertram, Staff Director

James H. Zoia, Democrat Staff Director

September 30, 2013

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Economic Development, Public Buildings, and
Emergency Management
FROM: Staff, Subcommittee on Economic Development, Public Buildings, and
Emergency Management
SUBJECT: Subcommittee Hearing on “FEMA Reauthorization: Ensuring the Nation is
Prepared”

PURPOSE

The Subcommittee on Economic Development, Public Buildings and Emergency Management will hold a hearing on Wednesday, October 2, 2013, at 10:00 a.m., in 2167 Rayburn House Office Building to receive testimony from the Federal Emergency Management Agency (FEMA), a Central Region Representative of the National Urban Search and Rescue System (USAR), representatives of the wireless and broadcasting industries, and a local emergency alert user. The purpose of the hearing is to examine FEMA’s Integrated Public Alert and Warning System (IPAWS) and USAR System to evaluate the need for reform legislation in the context of a proposed reauthorization of FEMA.

BACKGROUND

Integrated Public Alert and Warning System (IPAWS)

Purpose and Need

Pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), FEMA is charged with ensuring an emergency presidential message can be effectively disseminated to the Nation and, as part of that system, providing for the ability of state, tribal, and local governments to issue public alerts and warnings in the event of impending or imminent disasters or emergencies. In the 1960s, the foundation of such a system was established through the creation of the Emergency Broadcast System (EBS), which used television and radio to alert the public to emergencies. In recent years, that system, now called the Emergency Alert System (EAS), has been modernized and updated to digital technology.

Because of the advances in technology and the increase in the methods by which the public can receive information and be alerted (e.g., cellphones, satellite radio, and television), in 2006 former President Bush issued Executive Order 13407, stating the U.S. policy is “to have an effective, reliable, integrated, flexible and comprehensive system to alert and warn the American people.” Executive Order 13407 directed the Department of Homeland Security (DHS) to develop the Integrated Public Alert and Warning System (IPAWS) as a “system of systems.” It was intended to eventually integrate existing and new alert systems into one unified system.

Currently, IPAWS includes EAS, Wireless Emergency Alerts (mobile devices), and National Weather Service alerts. Future methods of alerting could include computer gaming systems, digital signs, siren systems, internet search engines, social sharing websites, and instant messaging. IPAWS creates an integrated system that allows one “message” or data package to be transmitted through as many mediums and methods as possible to reach the greatest number of people who may be impacted by a disaster or emergency. The move to digital signals, for example, creates opportunity for the message to incorporate audio, video, or other data in addition to a text-based message to provide the public as much critical information as may be needed. The need to increase the mediums and forms of alerts also increases options for the effective alerting of people with disabilities and people with limited English proficiency.

The development of IPAWS also involves the increase in the number of what are known as Primary Entry Point (PEP) broadcast stations. PEP stations are private or commercial radio broadcast stations that work with FEMA to provide emergency alert and warning information to the public. The FEMA PEP stations also serve as the primary source of initial broadcast for a Presidential emergency alert. PEP stations are “hardened” stations that are equipped with additional back up communications equipment and power generators designed to ensure they can continue broadcasting information to the public during and after a disaster. Before FEMA began expanding the number of PEP stations, there were significant parts of the Nation that did not receive alerts directly from one of these stations. The alerts were typically relayed from station to station to reach as many people as possible – a process called the “daisy chain.” The danger with the daisy chain process is that if stations downstream from the PEP station go off the air because of a disaster, many people would be left without any way of receiving alerts. As a result, FEMA has been working to expand the number of PEP stations to ensure as much of the Nation can receive signals directly from them as possible. Direct coverage of the Nation’s population will expand from approximately 67 percent in 2009 to over 90 percent in 2015.

Wireless Emergency Alerts

Wireless Emergency Alerts (WEA) comprises one of the components of IPAWS. The Warning, Alert and Response Network Act (WARN Act), as signed into law as Title VI of P.L. 109-347, the Security and Accountability for Every Port Act of 2006 (The SAFE Port Act), required the establishment of a Commercial Mobile Service Alert Advisory Committee by the FCC to facilitate the development of the wireless portion of IPAWS. WEA allows for the alerting of the public through wireless devices. Instead of thousands of separate text messages being sent (as used in some localities), one message is broadcasted to wireless devices in the affected geographical area, minimizing the chance of clogging the cell towers and wireless networks. Currently, the wireless system has been used or will be used for extreme weather and other threatening emergencies in a given geographical area, AMBER Alerts, and Presidential alerts during a national emergency.

IPAWS Challenges and Problems

Nationwide Test

Even though an alerting system has been in place dating back to the old Emergency Broadcast System in the 1960s, until two years ago, there had never been a nationwide test of the alerting system raising serious questions as to whether or not the system would work, should the President ever need to send a nationwide emergency message. On November 9, 2011, the first nationwide test of EAS was conducted. The test only involved the legacy TV and radio system and not the wireless system.

A number of problems were identified during the test. The test was originally planned to last for three minutes; however, a decision was later made to reduce the test time to 30 seconds. As a result, the length of the test impacted the results. For example, the shortness of the test impacted the ability of some stations to receive the alert in full. In addition, 3 of the 63 PEP stations at that time failed to rebroadcast the message, resulting in some members of the public not receiving a message and reports of poor or no audio or the playing of music in lieu of the message.

Broadcasters were required to report on the results of the test by the end of 2012. According to the Government Accountability Office (GAO), as of January, 2013, 61 percent of broadcasters and cable operators had submitted the required report. Of those, 82 percent reported receiving the nationwide test alert, and 61 percent reported successfully retransmitting the alert to other stations, as required. Broadcasters' and cable operators' reception of the alert varied by state, from 6 percent in Oregon to 100 percent in Delaware.

Subcommittee Investigations

During the development of IPAWS, the Subcommittee conducted extensive oversight. The GAO issued reports in 2009 and 2013. The Subcommittee's oversight coupled with GAO's reports supported the need for legislation to ensure consultation and coordination with key stakeholders, strategic planning, and the timely roll out of the new system. The 2009¹ GAO report highlighted that without a clear vision and strategic plan, FEMA conducted pilot programs that "have ended inconclusively, with few documented lessons learned."² In addition, the subcommittee found that FEMA failed to consult with key stakeholders, such as states, local officials, broadcasters, and the wireless industry to ensure that IPAWS would be developed in such a way as to be compatible with existing technologies and usable by the primary users of the system. While the 2013 GAO report indicated progress in addressing some of the previous concerns, it identified continued concerns related to coordination with state and local officials and problems identified in the nationwide test.³

¹Emergency Preparedness: Improved Planning and Coordination Necessary for Modernization and Integration of Public Alert and Warning System, GAO-09-834, September 2009.

²Id. at p. 18.

³Emergency Alerting: Capabilities Have Improved, but Additional Guidance and Testing Are Needed, GAO-13-375, April 24, 2013.

Legislation

Legislation was introduced in the 110th, 111th, and 112th Congresses to address problems identified in the development of IPAWS. The Committee is considering the inclusion of similar legislation as part of FEMA reauthorization legislation this Congress. That legislation would establish a clear framework for the development of IPAWS and ensure that stakeholder input is incorporated in the development of IPAWS. The legislation would achieve this by codifying the purpose and framework for the IPAWS consistent with Executive Order 13407 to ensure there is clear statutory direction. It would also ensure that the various federal agencies that have a part in the governance of the IPAWS are conducting an ongoing dialogue with industry, state, tribal, and local stakeholders.

Urban Search and Rescue System (USAR)

Currently, there are 28 USAR FEMA task forces located in 19 states throughout the continental United States. The task forces were created and are used by FEMA under the authority of the Stafford Act⁴ to rescue victims from structural collapses during disasters such as earthquakes and hurricanes. These task forces, in their standard configuration, consist of 70 person teams comprised of state and local first responders and include firefighters, rescue specialists, medical professionals, structural engineers, emergency managers, and canine search specialists. A task force is a partnership between state fire departments, law enforcement agencies, federal and local governmental agencies, and private companies. In some cases, task forces consist of participating agencies from more than one state.

USAR is an all-hazards disaster program. Regardless of what causes the structural collapse (e.g., earthquake, hurricane, gas explosion, bomb, or structural failure), the essential elements of the USAR operation remain the same. The capabilities of the USAR task forces include:

- Conduct physical search and rescue in collapsed buildings;
- Provide reconnaissance to assess damage and needs;
- Render emergency medical care to trapped victims;
- Canine search-and-rescue;
- Assess and control of hazardous materials, electrical services, and gas leaks;
- Provide structural evaluations of buildings; and
- Evaluate and stabilize damaged structures.

The task forces are trained and partially funded and equipped by FEMA. In return, if a disaster event warrants national USAR support, FEMA will deploy the three closest task forces within six hours of notification, and additional teams as necessary. State and local governments can use the task forces and their expertise in events in their communities and state and in neighboring states and communities regardless of whether the President declares a major disaster or an emergency for that event.

⁴ 42 U.S.C. 5121-5207.

Legislation

Legislation was introduced in previous Congresses to clarify liability issues related to the USAR team members. Because USAR teams are composed of state, local, and private-sector employees, there remains a lack of clarity in terms of their status when they are essentially “federalized” and deployed under the direction of FEMA to a federal disaster area outside of their normal jurisdiction. Many of these first responders deploy to other areas of the country and even internationally without knowing how they are protected in terms of licensing, liability, and injury. The legislation would codify the USAR system in statute and clarify liability and compensation issues in a way similar to the protections of personnel called up as part of the Public Health Service or the National Guard.

WITNESSES

Mr. Damon Penn
Assistant Administrator for National Continuity Programs
Federal Emergency Management Agency

Mr. Fred Endrikat
Branch Chief
Urban Search and Rescue System
Federal Emergency Management Agency

Mr. Bob Khan
Fire Chief
City of Phoenix, AZ
Sponsoring Agency Chief
Central Region Representative
Urban Search and Rescue System

Mr. Barry Fisher
General Manager
WFMZ-TV
Allentown, PA
National Association of Broadcasters

Mr. Christopher Guttman-McCabe
Executive Vice President
CTIA – The Wireless Association

Mr. Bobby A. Courtney, M.P.H., J.D.
Director of Policy and Planning
MESH Coalition